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ADMITTED IN
NEW YORK, NEW JERSEY,
PENNSYLVANIA AND FLORIDA

By ECF

March 5, 2020

Honorable Alison J. Nathan
U.S. District Courthouse
Southern District of New York
40 Foley Street, Courtroom 906
New York, New York 10007

Re: Teddy Volkswagen of the Bronx, LLC v. Phillip Demersky
Case No.: 1:19-cv-2337 (AJN) (SN)

Dear Judge Nathan:

As the Court is aware, our office represents the Defendant in the above action.

This follows our prior correspondence of February 24th relative to Plaintiff's motion to strike Defendant's Counterclaim for Abuse of Process. At the time, discovery was closed and motions for summary judgment by both parties were anticipated. Discovery has now been extended until April 24, 2020.

Plaintiff seeks a conference relative to the briefing schedule for the Plaintiff's motion to dismiss the Defendant's Counterclaim. As discovery is near completion, Defendant respectfully requests the motion be adjourned pending the close of discovery and joined with the motions for summary judgment both parties have stated would be made. Plaintiff objects to such consolidation.

In the alternative, with Plaintiff's consent, Defendant would seek until March 27th to oppose the motion to dismiss. Plaintiff would reply on or before April 4th.

Please contact our offices if there is any additional information or documentation that may be helpful to the Court's review. Thank you for your time, attention and consideration of this matter.

Sincerely,


Joseph J. Ranni

cc: Emanuel Kataev, Esq. (via ECF)